

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SOPHEAP CHITH,

Petitioner,

V.

RON HAYNES,

Respondent.

CASE NO. C18-5342 BHS

ORDER ADOPTING REPORT AND RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Christel's Report and

Recommendation (“R&R”), Dkt. 34, recommending that the Court deny pro se Petitioner Chith’s Amended 28 U.S.C. § 2254 habeas petition, Dkt. 31, and dismiss the case with prejudice.

A district judge must determine de novo any part of a magistrate judge's proposed disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3). A proper objection requires specific written objections to the findings and recommendations in the R&R. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Objections to a

1 R&R are not a vehicle to relitigate the same arguments carefully considered and rejected
2 by the Magistrate Judge. *See, e.g., Fix v. Hartford Life & Accident Ins. Co.*, CV 16-41-
3 M-DLC-JCL, 2017 WL 2721168, at *1 (D. Mont. June 23, 2017) (collecting cases).

4 Chith has not objected to the R&R.

5 1. The Report and Recommendation is **ADOPTED**;
6 2. Petitioner Chith's Amended petition for a Writ of Habeas Corpus, Dkt. 31, is

7 **DENIED**;

8 3. The Court will not issue a Certificate of Appealability. Chith has not made a
9 "substantial showing of the denial of a constitutional right" under 28 U.S.C.
10 §2253(c)(2). Nevertheless, while Chith's claims are not viable, it cannot be said
11 that they are frivolous, or that he is acting in bad faith. His *in forma pauperis*
12 status should continue if he appeals this Order.

13 4. The case is **DISMISSED** with prejudice.

14 The Clerk shall send copies of this Order to the Chith's last known address and to
15 Magistrate Judge Creatura, enter a Judgment, and close the case.

16 **IT IS SO ORDERED.**

17 Dated this 12th day of October, 2021.

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BENJAMIN H. SETTLE
United States District Judge